

Summary of the Office Action



Claims 10-65 are pending in the application. (Applicants note that, although none of the claims has been amended herein, a copy of all pending claims is submitted herewith as Appendix A for the Examiner's convenience.)

The Examiner withdrew the rejection of claims 10-65 under 35 U.S.C. § 103(a) as being unpatentable over Judson, U. S. Patent No. 5,572,619, in view of Liles, U. S. Patent No. 5,880,731.

Claims 10-65 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Volano, "VolanoChat Java solution turns ordinary web sites into interactive money makers", Business Wire, pp. 1-2, in view of Judson, U. S. Patent No. 5,572,619

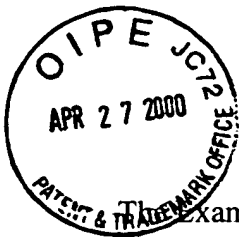
Rejections under 35 U.S.C. § 103

Claims 10-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Volano, "VolanoChat Java solution turns ordinary web sites into interactive money makers", Business Wire, pp. 1-2 ("Volano") in view of Judson, U.S. Patent No. 5,572,619 ("Judson"). Applicants respectfully traverse this rejection because the cited references fail to disclose one or more of the limitations recited in the claims.

In order to establish a *prima facie* case of obviousness, the Examiner must show that all the limitations of a claim are taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974); M.P.E.P. 2144.03. If one or more limitations is not taught or suggested by the prior art, the claimed invention is patentable.

Claim 10 recites, in part:

embedding a chat region within the browser region on the display device, the chat region being a real time continuously open bi-directional communications chat region.



Examiner states, with respect to claim 10, that Volano discloses that “VolanoChat works with all Java-compatible browsers . . . can accommodate large numbers of simultaneous real-time interactions . . . such as browser plug-ins, Internet chat . . .” (citing page 1 of 2).

Applicants point out that the “browser plug-ins, Internet chat . . .” cited by the Examiner are chat technologies (see Volano, page 1, paragraph 9). Even if the reference taught that these technologies should be used simultaneously, which it does not, the reference would not meet the above-recited limitation of claim 10 because it would not teach embedding a chat region within a browser region.

Applicants further point out that Volano does not even teach that “browser plug-ins” and “Internet chat” are used simultaneously, as asserted by the Examiner. The phrases quoted by the Examiner are taken from a span of eight paragraphs and have been condensed by the Examiner into a single sentence which is not consistent with the actual disclosure of the reference. While the Examiner states that the reference teaches VolanoChat “can accommodate large numbers of simultaneous real-time interactions . . . such as browser plug-ins, Internet chat . . .”, the reference itself actually states:

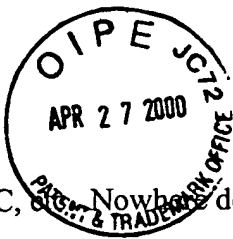
Comercial Web sites will use VolanoChat to increase site traffic and generate advertising revenue. The solution is highly scaleable and can accommodate large numbers of simultaneous real-time interactions. Corporate applications include discussion moderation, user-group support, real-time focus group marketing, customer service, and public relations.

Intranet chat rooms can also be established to support corporate initiatives.

VolanoChat is a better way to chat on the Internet. Older chat technologies, such as browser plug-ins, Internet Relay Chat (IRC), and CGI based chat, burden users with special software to download, complicated connection procedures, confusing net splits, painfully slow response times, and quickly outdated software.

(Volano, page 1, paragraphs 7-9) (emphasis added)

Thus, the reference teaches that VolanoChat is a means to chat. Volano asserts that the disclosed system is a better way to chat than older chat technologies, such as browser plug-ins,



IRC, ~~etc.~~ Nowhere does Volano disclose embedding a chat region within a browser region as recited in the claim. As previously admitted by the Examiner, Judson also fails to disclose embedding a chat region within a browser region (see Paper 12, page 3). Accordingly, the combination of Volano and Judson fails to teach the above limitation of claim 10 and fails to render the claim unpatentable under 35 U.S.C. § 103(a).

Claims 28 and 48 contain limitations similar to the limitation of claim 10 which is identified above. Because the references fail to disclose these limitations, claims 28 and 48 are patentable over the references in the same manner as claim 10. Because claims 11-27, 29-47 and 49-65 depend from and contain all the limitations of these independent claims, they are patentable over the references in the same manner as claims 10, 28 and 48.

Conclusion

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 10-65.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to
Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.



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Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Mark L. Berrier".

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